

In the
Indiana Supreme Court



IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR VIGO COUNTY)

Case No. 84S00-1403-MS- **108**

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Vigo Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Criminal Rule 13. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Vigo Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR84-CR2.2-2 complies with the requirements of Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Vigo Circuit and Superior Court Local Rule, LR84-CR2.2-2, set forth as an attachment to this Order, is approved effective March 17, 2014, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Phillip I. Adler, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; to the Hon. David R. Bolk, Vigo Circuit Court, 33 South Third Street, Terre Haute, IN 47807-3434; to the Hon. Michael Lewis, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807; to the Hon. Christopher A. Newton, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; to the Hon. Michael R. Rader, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; to the Hon. John Roach, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; to the Clerk of the Vigo Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Vigo Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on March 17, 2014.



Brent E. Dickson
Chief Justice of Indiana

LR84-CR2.2-2**Criminal Case Assignments**

(A) Except as provided in paragraphs (F) and (G) below, Felony cases shall be assigned as follows:

(1) Class D Felonies arising out of domestic relations and Class C Felony Battery cases filed under Ind. Code 35-42-2-1(a)(8) shall be assigned to Superior Court Division 4.

(2) Class D Felonies relating to Operating a Motor Vehicle While Intoxicated, Class C Felonies filed under Indiana Code 9-30-5-4(a)(3) (Operating Vehicle While Intoxicated Resulting in Serious Bodily Injury) and Class C and B Felonies filed under Indiana Code 9-30-5-5 (Operating Vehicle While Intoxicated Causing Death) shall be assigned to Superior Court Division 5.

(3) All other Felony offenses shall be assigned on a rotating basis beginning with Superior Court Division 1, then Circuit/Superior Court Division 3, and then Superior Court Division 6, and is based upon the time of the occurrence of the offense.

(a) Offenses occurring between 12:01 A.M. on the 1st day of each month through midnight on the 10th day of each month shall be assigned to Superior Court Division 1.

(b) Offenses occurring between 12:01 A.M. on the 11th day of each month through midnight on the 20th day of each month shall be assigned to Circuit/Superior Court Division 3.

(c) Offenses occurring between 12:01 A.M. on the 21st day of each month through the end of the month shall be assigned to Superior Court Division 6.

(4) Notwithstanding the above rule, no Superior Court Judge shall have more than one capital murder case pending at any one time, except where multiple Defendants are charged with capital murder arising out of a single episode.

(B) All criminal misdemeanor cases shall be assigned as follows:

(1) Offenses for Operating a Vehicle While Intoxicated shall be assigned to Superior Court Division 5.

(2) All criminal misdemeanors arising out of domestic violence shall be assigned to Superior Court Division 4.

(3) All other misdemeanor offenses shall be assigned to Superior Court Division 1, and Superior Court Division 6 on a rotating basis.

(a) Offenses occurring between 12:01 A.M. of the first day of each month through midnight of the 15th day of that month will be assigned to Superior Court Division 1.

(b) Offenses occurring between 12:01 on the 16th day of each month through the end of the month will be assigned to Superior Court Division 6.

(C) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor charges, the case shall be considered a felony for application of this rule.

(D) A judge of the Circuit of Superior Courts, by appropriate order entered in the record of judgments and orders, may transfer and reassign a case to any other court of record in the county with jurisdiction to hear the charged offense subject to acceptance by the receiving court.

(E) When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken, except for cases dismissed and transferred to Drug Court.

(F) When a new felony cause of action is filed pursuant to (A)(3) against a Defendant who has an existing felony proceeding originally filed or which would have been filed under subsection (A)(3) the new cause of action shall be assigned to the Court where the existing cause of action is pending.

(G) When a new felony cause of action is filed pursuant to (A)(3) against a Defendant who is on probation or serving a direct commitment in a Community Corrections program as a result of a case originally filed or which would have been filed under (A)(3) the new cause of action shall be filed in the Court in which the probation or Commitment is being supervised.

(H) Change of Judge.

(1) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 1, the case shall be reassigned first to Superior Court Division 3, then to Superior Court Division 5, then to Superior Court Division 6; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 3, Superior Court Division 5, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(2) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 3, the case shall be reassigned first to Superior Court Division 5, then to Superior Court Division 6 then to Superior Court Division 1; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 5, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(3) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 4, the case shall be reassigned first to the judge of Superior Court Division 5. If the judge of Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned first to Superior Court Division 6, then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated.

(4) In the event a change of judge is granted or it becomes necessary to assign another judge in any misdemeanor criminal proceeding in Superior Court Division 5, the case shall be reassigned first to the judge in Superior Court Division 4. In the event a change of judge is granted or it becomes necessary to assign another judge in any felony criminal proceeding in Superior Court Division 5, the case shall be reassigned first to Superior Court Division 6, then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(5) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 6, the case shall be reassigned to Superior Court Division 1, then to Superior Court Division 3, then to Superior Court Division 5; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(I) If this process does not result in the selection of a special judge, the Clerk shall select a special judge in rotating order from the judges of the following courts, comprising courts contiguous to, or within the same administrative district as, Vigo County:

Clay Circuit
Clay Superior
Sullivan Circuit
Sullivan Superior
Putnam Circuit
Putnam Superior
Parke Circuit
Vermillion Circuit

The Clerk shall maintain the list of special judges, and shall select from the list on a rotating basis when appointment under this local rule is required. If a judge is skipped in the rotation because of ineligibility or disqualification, he or she shall be selected first for the next eligible case.

(J) In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that special circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, the presiding judge may request the Indiana Supreme Court make such appointment.

(K) This rule does not prohibit the filing of appropriate criminal offenses in the Terre Haute City Court to the extent of its jurisdiction.

(Amended effective March 17, 2014)

STATE OF INDIANA
COUNTY OF VIGO
IN THE VIGO CIRCUIT AND SUPERIOR COURTS

Notice of Proposed Amendments to Local Court Rule

February 14, 2014

In accordance with Trial Rule 81(B) of the Indiana Rules of Court, the Vigo Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rules on Criminal Case Assignments at **LR84-CR2.2-2** for the courts of record of Vigo County, effective **March 17, 2014**. The Courts find good cause to deviate from the schedule for amending local court rules pursuant to Trial Rule 81 (D). All new text is shown by underlining and deleted text is shown by ~~strike through~~. Supreme Court approval is required for this amended rule and may not take effect until so approved.

The time period for the bar and the public to comment begins on **February 14, 2014**, and closes on **March 16, 2014**. The proposed effective date is **March 17, 2014**.

Comments by the bar and the public should be made in writing and mailed, or emailed, to: Honorable David R. Bolk, Judge of the Vigo Circuit/Superior Court Division 3, Attn: Public Comment on Local Rules, Vigo County Courthouse, 33 South 3rd Street, Terre Haute, Indiana 47807; or dabolk@aol.com.

A paper copy of the proposed amended local rule will be made available for viewing in the office of the Clerk of Vigo County, Vigo County Courthouse, 33 South 3rd Street, Terre Haute, Indiana 47807 during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

<http://www.vigocounty.in.gov/clerk> or <http://www.in.gov/judiciary/2887.htm>

_____/S/_____
David R. Bolk, Judge
Vigo Circuit/ Superior Court Division 3